



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed July 21, 2023


United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,¹

Reorganized Debtor.

)
) Chapter 11
)
) Case No. 19-34054-sgj11
)
)
)
)

**ORDER APPROVING JOINT STIPULATION OF THE PARTIES SUSPENDING CERTAIN
DEADLINES UNTIL THE BANKRUPTCY COURT DETERMINES THE MEDIATION
MOTION**

Having considered the Joint Stipulation of the Parties Suspending Certain Deadlines Until the Bankruptcy Court determines the Mediation Motion (the “Stipulation”) filed by James D. Dondero, Strand Advisors, Inc., The Dugaboy Investment Trust, Get Good Trust (collectively, the “Dondero Parties”), and Highland Capital Management, L.P., it is **HEREBY ORDERED THAT:**

1. the Stipulation, a copy of which is attached hereto as Exhibit A is APPROVED;

¹ Highland’s last four digits of its taxpayer identification number are (8357). The headquarters and service address for Highland is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

and

2. All deadlines in the matters listed in Exhibit A are suspended until this Court issues an order determining the Dondero Parties' Motion to Stay and to Compel Mediation.

[Dkt. 3752].

ORDERED that,

End of Order

EXHIBIT A

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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

HIGHLAND CAPITAL MANAGEMENT,
L.P.

Reorganized Debtor.

Chapter 11

Case N. 19-34054 (SGJ)

**JOINT STIPULATION OF THE PARTIES SUSPENDING CERTAIN DEADLINES
UNTIL THE BANKRUPTCY COURT DETERMINES THE MEDIATION MOTION**

James D. Dondero, Strand Advisors, Inc., The Dugaboy Investment Trust, and Get Good Trust (collectively, the “Dondero Parties”) and Highland Capital Management, L.P. (the “Reorganized Debtor”) file this *Joint Stipulation* (the “Stipulation”) to suspend certain deadlines until the Bankruptcy Court enters an order determining the Dondero Parties’ *Motion to Stay and to Compel Mediation* [Dkt. 3752] (the “Mediation Motion”).

I. BACKGROUND

WHEREAS, on April 20, 2023, the Dondero Parties filed the Mediation Motion;

WHEREAS, on May 25, 2023, the Reorganized Debtor and the Highland Claimant Trust (the “Trust”, and together with the Reorganized Debtor, the “Highland Parties”) filed an objection to the Mediation Motion [Dkt. 3796];

WHEREAS, on June 16, 2023, the Dondero Parties filed a reply in further support of the Mediation Motion [Dkt. 3857];

WHEREAS, on June 23, 2023, Hunter Mountain Investment Trust (“HMIT”) filed a limited joinder to the Mediation Motion [Dkt. 3862];

WHEREAS, on June 26, 2023, the Bankruptcy Court held a hearing on the Mediation Motion (the “Hearing”);

WHEREAS, at the close of the Hearing, the Bankruptcy Court continued the Hearing to July 7, 2023, and ordered the parties to take certain actions (collectively, the “Actions”) in advance of the continued Hearing;

WHEREAS, on June 26, 2023, the Bankruptcy Court noted on the docket that the Hearing was continued to July 7, 2023, at 1:00 p.m. Central Time (the “Continued Hearing Date”) [Dkt. 3865];

WHEREAS, on June 29, 2023, the Dondero Parties filed the *Unopposed Motion to Continue Hearing* [Dkt. 3868] pursuant to which they and the Highland Parties jointly sought to extend the Continued Hearing Date and the deadlines for taking the Actions;

WHEREAS, on July 5, 2023, the Bankruptcy Court entered an order [Dkt. 3870] (a) setting the Continued Hearing Date for July 21, 2023, at 1:00 p.m. Central Time and (b) adjusting the deadlines for the Parties to take the other Actions;

WHEREAS, subject to the terms of this Stipulation and the Bankruptcy’s Court’s approval, counsel for the Dondero Parties, the Highland Parties, and HMIT (collectively, the “Parties”) have

conferred and agreed to suspend the deadlines for certain matters pending in the Bankruptcy Court until the Bankruptcy Court issues an order determining the Mediation Motion.

II. JOINT STIPULATION

The Parties hereby agree to suspend, until the Bankruptcy Court issues an order determining the Mediation Motion, all deadlines concerning the following matters pending in the Bankruptcy Court:

1. Highland Capital Management L.P.’s *Motion for (A) “Bad Faith” Finding and (B) Attorneys’ Fees Against NexPoint Real Estate Partners LLC (f/k/a HCRE Partners, LLC) in Connection with Proof of Claim 146* [Dkt. 3851];

2. The Dugaboy Investment Trust (“Dugaboy”) and HMIT’s *Complaint to (I) Compel Disclosures about the Assets of the Highland Claimant Trust and (II) Determine (A) Relative Value of Those Assets, and (B) Nature of Plaintiffs’ Interests in the Claimant Trust* [Adv. Pro. No. 23-03038, Dkt. 1]¹;

3. Dugaboy’s *Motion to Preserve Evidence and Compel Forensic Imaging of James P. Seery, Jr.’s iPhone* [Dkt. 3802], including the deadline for Mr. Seery’s response, currently due on July 7, 2023 (*see* Dkt. 3849).

Unless the Parties jointly agree in writing, the Parties further agree that this Stipulation shall not be (a) filed with, or disclosed to, any court other than the Bankruptcy Court; or (b) used or relied upon by any Party (or any person or entity controlled by or affiliated with any Party) to seek a stay or suspension of any litigation pending outside of the Bankruptcy Court.

¹ In lieu of the automatic discovery schedule that otherwise would have been imposed (*see* Adv. Pro. No. 23-03038, Dkt. 4), counsel to the parties in the adversary proceeding previously agreed to a briefing schedule for the Reorganized Debtor’s anticipated motion to dismiss (the “MTD Schedule”). For the avoidance of doubt, the MTD Schedule is suspended in accordance with this Stipulation.

Dated: July 6, 2023

Respectfully Submitted,

DLA PIPER LLP (US)

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*Counsel for Hunter Mountain Investment Trust,
Pursuant to its Limited Joinder in the
Stipulation*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 6, 2023, a true and correct copy of this document was served electronically via the Court's CM/ECF system to the parties registered or otherwise entitled to receive electronic notices in this case.

/s/ Amy L. Ruhland

Amy L. Ruhland